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every factual determination of County School Districts or County Superintendents, there are certain facts in this case which require the reversal of the local determination.

The Appellant has received this Room and Board Contract since 1973. In order for that determination to have been made on a District or County level, there must have been a determination of impassable roads, and or extreme distances which make it impractical to transport the pupil to school or bus regularly. Indeed the Appellant presented such testimony to the District and the County Superintendent again this year, however, it has now been deemed to be insufficient.

There are many arguments which militate against the over-ruling of local determinations in any controversy and particularly school controversies. There are also certain principles and guides of reasonableness, which must be employed as a check or guide to these local determinations. The Superintendent has published a guide for determining the degree of isolation allowed to increase the individual transportation rate; the road conditions, distances and other factors which are to be considered are clearly set forth in that guide and are recommended to each locality. It goes without saying, however, that a long term award of a Room and Board Contract, must have been based upon a determination of isolation, either because of distance, road conditions, or other factors.

In such a situation as this, where the Room and Board Contract has been ongoing for a period approximately seven (7) to eight (8) years, it would seem to be the local district transportation committee and County Superintendent's responsibility to prove changed circumstances which militate against the Room and Board Contract for 1980-1981.

Since no new matters appear, the Order of the Glacier County Trans-

portation Committee and County Superintendent must be and is hereby reversed, with instruction to the Chairman of the County Transportation Committee, the County Superintendent, to issue a Room and Board Contract to the Appellant Forthwith.

DATED AUGUST 31, 1981.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the Appeal of)
LYNN HILLER, et al.) DECISION AND ORDER

This Appeal is from a decision of the Missoula County Superintendent of Schools issued June 22, 1981.

Both parties have appealed from that decision and pursuant to Notice and Schedule issued by this office, briefs and reply briefs were submitted by each side. Neither party has requested oral argument and since the time for such request has expired this matter is deemed ready for decision.

The basic issue presented by the Appeal arises from the decision made by the Board of Trustees of School District No. 1, Missoula County, made on March 9, 1981 which established Roosevelt, Meadow Hills, C.S. Porter, Washington and Lowell as upper grade schools and Paxson, Willard, Cold Springs, Russell, Hawthorne, Dickinson, Franklin, Jefferson, Lewis and Clark and Whittier as lower grade schools. The decision on March 9, 1981 culminated a longstanding concern of the Board of Trustees regarding the organization and structure of its schools in Missoula County. The decision of the Board of Trustees was brought before the County Superintendent and heard on May 28, May 29, June 1, June 2 and June 3, 1981. The testimony covers over 500 pages of transcript and includes the testimony of the individual members of the Board of Trustees, parents, administrative officers and expert witnesses.

The decision issued on June 22, 1981 contains findings of fact, conclusions of law and decree. That decision is subject to review by the State Superintendent of Public Instruction pursuant to the Administrative Procedure Act of Montana found in Section 2-7-704, M.C.A., which